

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE
ON DISARMAMENT

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FINAL VERBATIM RECORD OF THE THREE HUNDRED AND THIRTY-FOURTH MEETING

DOCUMENT
COLLECTION

held at the Palais des Nations, Geneva,
on Thursday, 28 September 1967, at 10.30 a.m.

Chairman:

Mr. M. BLUSZTAJN

(Poland)

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PRESENT AT THE TABLE

Brazil:

Mr. A.F. AZEREDO da SILVEIRA
Mr. A. da COSTA GUIMARAES
Mr. S. de QUEIROZ DUARTE
Mr. J. NOGUEIRA FILHO

Bulgaria:

Mr. K. CHRISTOV
Mr. B. KONSTANTINOV

Burma:

U KYAW MIN
U PE MYINT AUNG

Canada:

Mr. E.L.M. BURNS
Mr. A.G. CAMPBELL
Mr. J.R. MORDEN
Mr. A. BERNIER

Czechoslovakia:

Mr. P. WINKLER
Mr. V. VAJNAR
Mr. J. STRUCKA

Ethiopia:

Mr. A. ZELLEKE

India:

Mr. V.C. TRIVEDI
Mr. N. KRISHNAN
Mr. K.P. JAIN

Italy:

Mr. R. CARACCILO
Mr. G.P. TOZZOLI
Mr. E. FRANCO
Mr. F. SORO

Mexico:

Miss E. AGUIRRE

Nigeria:

Alhaji SULE KOLO
Mr. B.O. TONWE

Poland:

Mr. M. BLUSZTAJN
Mr. E. STANIEWSKI

Romania:

Mr. N. ECOBESCO
Mr. O. IONESCO
Mr. C. GEORGESCO
Mr. A. COROIANU
Mr. C. MITRAN

Sweden:

Mrs. A. MYRDAL
Mr. A. EDELSTAM
Mr. R. BOMAN

Union of Soviet Socialist
Republics:

Mr. A.A. ROSHCHIN
Mr. M.V. ANTYASOV
Mr. V.V. SHUSTOV

United Arab Republic:

Mr. H. KHALLAF
Mr. O. SIRRY
Mr. M. SHAKER

United Kingdom:

Mr. I.F. PORTER
Mr. M.E. HOWELL
Mr. R.C. HOPE-JONES

United States of America:

Mr. A.S. FISHER
Mr. S. DePALMA
Mr. G. BREAM
Mr. A.F. NEIDLE

Special Representative of the
Secretary-General:

Mr. D. PROTITCH

Deputy Special Representative
of the Secretary-General:

Mr. W. EPSTEIN

1. The CHAIRMAN (Poland): I declare open the 334th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.

2. Mr. TRIVEDI (India): The delegations of the United States and the USSR have presented their ideas on non-proliferation of nuclear weapons in the form of a revised text of a draft treaty in documents ENDC/192 and ENDC/193. As both delegations have explained, the presentation of these documents should assist the members of the Committee in pursuing their task of negotiating an adequate and acceptable treaty with greater precision. In his statement of 24 August, the day the draft treaty was presented to us here, President Johnson also stressed that point and posed the problem very clearly. He said:

"The draft will be available for consideration by all governments, and for negotiation by the Conference." (ENDC/194, p.1)

The President went on to say:

"The treaty must be responsive to the needs and problems of all the nations of the world - great and small, aligned and non-aligned, nuclear and non-nuclear.

"It must add to the security of all." (*ibid.*)

This then, is the present task of the Committee -- to make the draft responsive to the needs of all nations and to ensure that it adds to the security of all people.

3. The two super-Powers and their allies have been discussing and negotiating among themselves for about a year with a view to elaborating a draft recommendation which would essentially meet their requirements and the requirements of their alliances. It would be helpful to the Committee, therefore, if the non-aligned delegations were now to indicate in what way this draft document needs improvement and alteration. The mandate given to us by the United Nations demands that as a result of our negotiations the Committee should evolve a final draft which is acceptable to all concerned and satisfactory to the international community.

4. We are fortunate that in this field we are not working in a vacuum. We have the tragic history of past proliferation to warn us of spurious remedies, and we have the historic principles enshrined in United Nations resolution 2028 (XX) (ENDC/161) to direct us to the right solutions. The United Nations has also given us as our terms of reference and as our basic guide the Agreed Principles for

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Disarmament Negotiations (ENDC/5) formulated in September 1961. The success of our endeavours will depend upon the extent to which we give full and unequivocal consideration to those examples and those precepts.

5. Efforts to prevent the proliferation of nuclear weapons have a long history, dating more or less from the time these weapons of terror and destruction became part of a nation's armoury. When the United States was the only nuclear-weapon Power and when it presented the Baruch Plan (AEC/PV.1, pp. 25-30 et seq.), the Soviet Union pointed out (AEC/PV.2, pp. 65 et seq.) that two of the fundamental components of an international instrument in that regard were the prohibition of the production of nuclear weapons and the destruction within a period of three months of the bombs then in stock. Incidentally, it should also be remembered that one of the reasons why the Baruch Plan was found unacceptable was that, like the draft treaty before us, it sought to prohibit national research and development in atomic energy production.

6. The Indian delegation has had occasion in the past to quote the representatives of the United Kingdom and France on the question of preventing further proliferation. Those representatives had stated categorically and logically in the discussions in the Disarmament Sub-Committee that the only way to prevent the spread of nuclear weapons to additional countries was for the existing nuclear-weapon Powers to stop further production of nuclear weapons themselves. The Government of India then repeatedly urged a cessation of nuclear weapon tests and an "armament truce" among the big Powers. The United States had also been proposing that prohibition of the dissemination of nuclear weapons should depend upon and follow the cessation of production of fissile material for weapon purposes. In fact, until recently the United States advocated the cut-off as a first step in a series of measures of nuclear disarmament. Thus it has been the firm international thesis all along that the cessation of production of fissionable material for weapon purposes is the basis of non-proliferation of nuclear weapons.

7. It has been argued in the Committee that the cessation of production of nuclear weapons by all countries may have been the right solution for the prevention of proliferation of nuclear weapons, that it may have been recommended by all nations during the history of negotiations, but that it has, unfortunately, not so far resulted in an international treaty. In view of that, it is further argued, we should discard that solution and adopt some other way of obtaining a treaty.

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8. That argument does not appeal to the Indian delegation. In the first instance, it does not stand to reason that the correct solution should be discarded in favour of an incorrect one because success has not been achieved so far or a particular treaty has not so far been signed. Perseverance is an essential requisite in all negotiations on arms control and disarmament. We have not yet been able to obtain any treaty on disarmament, partial or otherwise. That does not mean we should discard the concept of general and complete disarmament under effective international control -- and that too in favour of a discriminatory concept of monopolistic armament -- or that we should discard the concepts underlying various partial measures of disarmament in favour of concepts of graduated and responsive armament.

9. Secondly, although it is true that we have had no treaty on non-proliferation of nuclear weapons so far, there is no reason to believe that we shall have a genuine and abiding treaty on the basis of any but the right concept. What is important is to have, not just any treaty, but a treaty which truly prevents the proliferation of nuclear weapons. The United Kingdom and French representatives in the Disarmament Sub-Committee warned the international community that additional countries would manufacture nuclear weapons, that there would be what is called further proliferation of nuclear weapons, unless the existing nuclear-weapon Powers stopped further production of those weapons themselves; and that is exactly what happened in 1952, in 1960 and in 1964.

10. It has been argued that, although the weight of history and the wisdom of principles require that a satisfactory and adequate treaty should be non-discriminatory and should prevent the proliferation of nuclear weapons by all nations, nuclear as well as non-nuclear, big as well as small, powerful as well as weak, developed as well as underdeveloped, one has to be realistic. Surely realism should be a criterion to be applied to all States. If it is unrealistic to believe that the nuclear-weapon Powers will agree to a treaty which prevents the proliferation of their own weapons, it is equally unrealistic to assume that the non-nuclear nations, and particularly the non-aligned nations which are facing the threat of nuclear weapons, will be enthusiastic about a discriminatory and ineffective treaty, a treaty which not only does not add to their security but in fact increases their insecurity. Jawaharlal Nehru said this in the Indian Parliament ten years ago:

"It is a strange way to ensure security by adding to every conceivable danger.

In the name of security atomic tests should go on; in the name of security

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hydrogen bombs should be flown all over the place; in the name of security all kinds of terrible weapons should be evolved; and in the name of security each party slangs the other and thereby creates an atmosphere where the danger becomes more acute. Of course, everyone must recognize the argument for security. No country and no government can risk its future, or can accept a position when another country can impose its will upon it. But if, in order to ensure security, measures are to be taken which really endanger it still further, then we fail in getting that security".

11. The Indian delegation has stressed repeatedly that further proliferation is only the consequence of past and present proliferation and that, unless we halt the actual and current proliferation of nuclear weapons, it will not be possible to deal effectively with the problematic danger of further proliferation among additional countries. In the language of United Nations resolution 2153 A (XXI) (ENDC/185), an international treaty to prevent the proliferation of nuclear weapons should achieve three objects:

(1) prevention of an increase of nuclear arsenals, (2) prevention of a spread of nuclear weapons over the world and (3) prevention of an increase in the number of nuclear-weapon Powers.

12. As the resolution further points out, that can be done only by adhering strictly to the principles laid down in resolution 2028 (XX). The principles enunciated in resolution 2028 (XX) take into account the historical verities of the situation and stipulate how a treaty should be drafted so as to be acceptable and satisfactory to all concerned. They are not merely a set of principles set forth in a United Nations resolution; they are in fact the essential components of non-proliferation of nuclear weapons.

13. The Indian delegation has often analysed these principles and indicated how they should be given practical shape in an international instrument. The first principle has stipulated, inter alia, that the treaty should not permit nuclear or non-nuclear-weapon Powers to proliferate. The second principle has stated explicitly that the treaty should have within its body a balance of mutual responsibilities and obligations of both the nuclear- and the non-nuclear-weapon Powers. The third principle requires that the treaty should be a step towards disarmament and, more particularly nuclear disarmament. The fourth principle has asked us to ensure that the provisions in the treaty based on these principles and incorporating this balance should be effective and not remain merely an expression of intention or good will.

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14. The non-aligned delegations have placed special emphasis on the principle of balance and on the principle that the treaty should be a step towards nuclear disarmament. There is no balance, however, between a platitude on the one hand and a prohibition on the other. Again, nuclear disarmament is not achieved by retrograde steps taken in the direction of the retaining of exclusive rights, privileges and options by certain armed and powerful countries, by acts of omission or commission and by the imposing of prohibitions on the rest -- the threatened and the unarmed.

15. Earlier I referred to the basic terms of reference of our Committee -- the Joint Statement of Agreed Principles for Disarmament Negotiations formulated by the United States and the USSR in September 1961. They provide general as well as specific guidance in respect of all negotiations on matters of disarmament and arms control.

16. The eighth principle of the Statement stipulates:

"...efforts to ensure early agreement on and implementation of measures of disarmament should be undertaken without prejudicing progress on agreement on the total programme and in such a way that these measures would facilitate and form part of that programme". (ENDC/5, p.3)

The fifth principle states:

"All measures of general and complete disarmament should be balanced so that at no stage of the implementation of the treaty could any State or group of States gain military advantage and that security is ensured equally for all." (ibid., p.2)

Any measure which gives a tacit licence to a small group of States to develop and augment its nuclear weaponry is in fundamental contradiction of those principles and purposes. When at the same time that particular measure imposes selective prohibitions only on the unarmed States, it certainly does not ensure equal security for all.

17. As the Joint Statement has rightly emphasized, the supreme consideration is security. Some nations may feel that their military pacts and alliances provide them with protection from nuclear threats or attacks. Others may feel that their geographical location or political affiliation gives them the requisite security. Even if they are right, our negotiations must ensure that security is safeguarded equally for all -- for the aligned as well as the non-aligned, for those far away from hostile nuclear arsenals as well as those in the neighbourhood of them; otherwise the disarmament or arms-control measure in question ceases to be meaningful.

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18. There has been some discussion, in this context, of security assurances to be given to non-nuclear nations. Theoretically speaking, such assurances or guarantees have been regarded as a means of ensuring security, the belief being expressed that it is possible or feasible to have unconditional, automatic, obligatory, credible and effective response from the super-Powers in case of nuclear threat or attack against the non-nuclear-weapon States. We should not, however, confuse the means with the end. Security assurances or guarantees are not the same thing as security. The threat to the security of non-nuclear-weapon countries comes from the arsenals of the nuclear-weapon countries; and the correct way of dealing with that threat is to ensure in the first instance that no international treaty gives a licence to the possessors of these weapons to continue increasing the instruments of their threat: their nuclear weapons. The question of credible assurances against the use or threat of the weapons already in the armouries of the nuclear-weapon Powers is only the second and subsequent step.

19. All measures of disarmament and arms control have thus to be viewed in the context of security for all. The nations which believed that security was ensured by the possession of nuclear weapons have already acquired them; and they continue to act in terms of increasing the area of their security by embarking on wider, newer and more ominous systems of offensive and defensive nuclear weapons and the means of their delivery. That is not, however, the approach of a large number of nations, despite their technological and material endowments. India, in particular, believes that international security lies not in armament but in restraints on armament and in disarmament. That belief, in fact, is the basic philosophy underlying all discussions on disarmament, whether in our Committee or elsewhere.

20. It is in that context of history, as well as of fundamental principles, that we have to view the revised draft treaty before us; and it is in that context that we have to examine how it can be improved and made responsive to the needs and problems of all nations. History has taught us that proliferation cannot be ended unless nuclear-weapon stocks are frozen at their present level and all further manufacture is prohibited. The principles worked out by the super-Powers, as well as by the United Nations, tell us that proliferation can be prevented if the

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appropriate treaty embodies a balance of mutual responsibilities and obligations of nuclear- and non-nuclear-weapon Powers not to proliferate. That balance has also been defined. It should be such that at no stage of the implementation of the treaty could any State or group of States gain military advantage, the supreme requirement being that security is ensured equally for all.

21. In their revised draft the delegations of the United States and the Soviet Union have adopted the same framework as in their earlier draft treaties (ENDC/152 and Add.1; ENDC/164). The non-aligned delegations in the Committee commented on those drafts in their memorandum of August 1966 (ENDC/178) and said that the drafts did not pay full attention to the principles laid down in United Nations resolution 2028 (XX). If the draftsmen of the revised text had followed the correct approach and, in the language of United Nations resolution 2153A (XXI), adhered strictly to those principles, they would have been able to draft a more satisfactory document and our task would have been comparatively easier. At the same time, it would not be too difficult, given the will and the effort, to improve the present draft treaty so that it would conform to the mandate given to us by the United Nations General Assembly.

22. As I said earlier, the United States-USSR draft is the result of exhaustive negotiations among the aligned nations for a period of nearly a year. The non-aligned members of the Committee have just seen the full and final text and will now need to examine it carefully. To them the matter is extremely vital, for they are the non-possessors of nuclear weapons and wish to remain so. Their cities and populations, their industry and economy, are increasingly menaced by mega-destruction even today, not to speak of the 1970s. At the same time, they are in no position to spend countless millions in perfecting either a defensive nuclear system or a deterrent offensive capability. Above all, they do not believe in nuclear weapons.

23. While this examination of the United States-USSR draft by delegations and governments is a continuing process, it will be helpful for the purposes of our negotiations and improvement of the draft if I make some preliminary comments on the documents before us. A negotiating committee is also a drafting committee, particularly when its negotiations relate to a draft. We are still at a drafting stage, and my comments are of the nature of those one makes in a drafting committee.

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24. I do not propose at this stage to comment comprehensively on the preamble or on all the articles of the United States-USSR draft; I shall refer only to some of its basic provisions. The preamble could be altered, added to or subtracted from very easily to conform to the changes in the basic articles of the treaty. I shall therefore not refer to it in these preliminary comments. I shall not refer either, for the time being, to the unwelcome idea of a veto -- a double veto -- on amendments, the inadequacy of the review provisions, or the shortcomings of the withdrawal clause. I shall confine myself this morning to the basic articles of the treaty. Once they are improved, other improvements should present little difficulty.

25. The Indian delegation has stated in the past that there are two facets of the problem of proliferation of nuclear weapons: the first is that of dissemination, that is of transfer and receipt of weapons and weapon technology; and the second that of proliferation proper -- that is, of manufacture of nuclear weapons. It is appropriate that the first two articles of a treaty on non-proliferation of nuclear weapons should deal with those two aspects of the problem.

26. Articles I and II of the draft before us purport to deal with those two facets of the problem. When commenting on the earlier drafts the Indian delegation pointed out that there was general agreement among nuclear -- as well as non-nuclear-weapon Powers on the basic components of an article dealing with the question of dissemination of weapons. There was only some disagreement in that regard between the two super-Powers on the question of nuclear armament within alliances; and that has now been happily resolved.

27. No attempt appears to have been made, however, to deal with the question of the transfer of nuclear weapons to and their stationing in the territories of other countries, or with that of the training of the armed personnel of non-nuclear nations in the use of nuclear weapons. It should be remembered that India and other countries raised those points in recording their reservations at the time of the adoption of General Assembly resolution 1665 (XVI) (the "Irish" resolution) in 1961. That matter represents one of the important features of the problem of dissemination.

28. Article I of the United States-USSR draft has another lacuna. That article says, inter alia, that nuclear-weapon States undertake not to assist, encourage or

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induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or control over such weapons. Does it mean that one nuclear-weapon State can assist, encourage and induce another nuclear-weapon State to manufacture or acquire or control nuclear weapons? Surely that cannot be permitted. That may perhaps be only a drafting error or oversight which can be corrected easily. In any case it will need to be corrected.

29. There is, however, a third objection, which is much more serious. The old drafts submitted by the United States and the USSR, however faulty in some respects, had one advantage. They dealt with nuclear weapons and their partial proliferation but not with other matters. That, regrettably, has been changed in the new draft, and an effort is now being made to deny development of peaceful technology to non-nuclear-weapon States in the field of nuclear explosions. Proposals are also being advanced for the establishment of a super-commercial monopoly of the nuclear-weapon Powers in this field. An appropriate draft on non-proliferation of nuclear weapons will have to deal only with the proliferation of nuclear weapons and not with explosive devices for peaceful purposes. Accordingly all references to such devices should be deleted from the treaty.

30. India is devoutly in favour of non-proliferation of nuclear weapons but is equally in favour of proliferation of nuclear technology for peaceful purposes. There have been debates over the years in various forums on the question of freedom of national research and development of atomic energy of the dangerous kind or the non-dangerous kind, as it was once called. Along with other nations, India has long maintained that there should be no fetters of any kind on the development of atomic energy for the purposes of economic and non-military development. At the same time, India is willing to agree to international regulation under a non-discriminatory and universal system of safeguards to ensure that no country manufactures or stockpiles nuclear weapons while undertaking research and development of peaceful nuclear explosives. As I said once before, however, India does not believe in throwing the baby away with the bath-water.

31. Those, then, are the three important drawbacks in article I as it is now drafted in documents ENDC/192 and ENDC/193.

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32. Article II of the recommended draft is much more unsatisfactory. Unlike article I, which deals only with dissemination, this article mixes up the issues of dissemination and the manufacture of weapons. That is not because of any inadequacy in drafting but because the draft treaty in general, and this article in particular, does not adhere strictly to the principles of United Nations resolution 2028 (XX); nor does it take into account the Joint Statement of Agreed Principles of September 1961. It fails to heed the advice of Mr. Stassen, Mr. Jules Moch, Mr. Nutting and others and ignores the tragic lessons of the history of past proliferation. In effect, that article imposes discriminatory prohibition only on the non-nuclear-weapon States, and gives a licence to the nuclear-weapon Powers to continue their production and proliferation of nuclear weapons.

33. As I said earlier, article II does not deal only with the manufacture of nuclear weapons; it also incorporates a provision concerning dissemination -- that is, receipt of nuclear weapons by non-nuclear-weapon Powers. All provisions concerning dissemination should appropriately be in article I. If necessary, that article can have two parts. Article II can then be confined to manufacture and will provide that each State party to the treaty undertakes henceforth not to manufacture or otherwise acquire nuclear weapons.

34. I should now like to refer to the two missing articles of the treaty, one relating to control and the other relating to obligations towards nuclear disarmament. The delegations of Sweden (ENDC/195) and Mexico (ENDC/196) have already taken welcome initiatives to fill in those gaps.

35. An article on control in a treaty on arms control and disarmament is a corollary to the basic articles of that treaty. An appropriate system of control in a treaty on non-proliferation of nuclear weapons should be related, therefore, to the twin facets of dissemination and manufacture of nuclear weapons -- that is, to the provisions of articles I and II.

36. There is much talk these days of loop-holes in a treaty on non-proliferation -- and that, curiously enough, in the context of peaceful development of nuclear energy by non-nuclear-weapon nations. There will in fact be a real and dangerous loop-hole if there is no satisfactory control to ensure observance of the provisions in the present draft that the nuclear-weapon Powers should not transfer nuclear weapons

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or control over such weapons directly or indirectly, and that non-nuclear-weapon Powers should not receive such weapons or assistance in their manufacture. The situation becomes particularly dangerous when it is universally known that one nuclear-weapon Power believes that it is desirable and even necessary for a large number of countries to possess nuclear weapons, and describes those weapons as providing "encouragement to all the revolutionary peoples of the world who are now engaged in heroic struggles".

37. When there is so much talk of loop-holes and of stringent provisions of control of manufacture of weapons, and that also in a discriminatory manner, it is worth remembering that there is equal, if not greater, justification for effective provisions to ensure that there is no dissemination of weapons or weapon technology from a nuclear-weapon Power to any other country. The concern of the Indian delegation is all the greater in that respect as the People's Republic of China has already expressed its complete opposition to signing any treaty on non-proliferation of nuclear weapons. While the other nuclear-weapon Powers are against the actual transfer of nuclear weapons to other nations as well as against the training of personnel belonging to non-nuclear-weapon States in the use of these weapons as such, the same cannot be said of the People's Republic of China. To a country like India, that is vital.

38. Then there is the question of control over the production of nuclear weapons. The basic provision in an appropriate treaty will stipulate that all States undertake henceforth not to manufacture nuclear weapons. That will entail control over weapon-grade fissile material and the facilities which fabricate weapon-grade fissile material.

39. The Indian delegation believes, therefore, that the control provisions should deal with the transfer and receipt of fissile material, the transfer and receipt of weapons and weapon technology, and the facilities for production of weapon-grade fissile material. This should be adequate and should provide a reasonable solution to the problem of control. It has been pointed out that uranium mines, plants for fabrication of fuel elements and the reactors are not in themselves a military danger. They do not promote any military purpose unless they are coupled with plants and facilities for the fabrication of the fissile material into weapons. It is the gaseous-diffusion plants, the chemical-separation plants and the centrifuge plants, if any nation is developing them, which have to be controlled.

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40. The fundamental requirement that the Indian delegation puts forward in this context is that control should be universal, objective and non-discriminatory. The extent of the comprehensiveness or coverage of control provisions depends upon the mistrust and suspicion the negotiators have in regard to the parties to a treaty. Normally it is unreasonable and unprofitable to base an international instrument on the extreme threshold of unmitigated suspicion. There is, however, no cure for suspicion or mistrust. If it is generally proposed that control should be more comprehensive than what I have just outlined, India will have no objection, as long as it is universal and objective and applies in a non-discriminatory manner to all nations, big and small, nuclear and non-nuclear. It would be entirely unjustified to direct the suspicions only towards the weak, the unarmed and the unpossessed. If there are to be any suspicions at all, it is the proclivities of the powerful, the armed and the possessors of weapons which should evoke greater suspicion. The control provisions should also cover all aspects of the problem and not only those which cause concern to the nuclear-weapon Powers and their allies.

41. On the basis of these criteria and considerations, the question of amending the text of article III, when it is presented to us, will not be difficult. All that will be necessary will be to omit the words "non-nuclear-weapon States", if the draft discriminates against that group of States. The extent and comprehensiveness of the control provisions will depend upon what the nuclear-weapon Powers are prepared to accept for themselves.

42. Finally, there is the missing article on obligations for disarmament. United Nations resolution 2028 (XX) stipulates that a satisfactory treaty to prevent the proliferation of nuclear weapons has to be based on that principle. That requirement cannot be fulfilled by a mere mention of intentions and desires in the preamble to the treaty. Four years ago, more than a hundred nations subscribed to a Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water (ENDC/100/Rev.1). That treaty also had preambular paragraphs, one proclaiming its principal aim to be the speediest possible achievement of an agreement on general and complete disarmament, and the other testifying to the search by the United Kingdom, the United States and the Soviet Union for achievement of the discontinuance of all test explosions of nuclear weapons for all time, to their determination to continue negotiations to that end, and to their desire to put an end to the contamination of

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man's environment by radioactive substances. After four long years the international community is further away from the discontinuance of all test explosions than it was at that time.

43. The draft now before us is even more halting and hesitant than the Moscow test-ban Treaty. Its preamble declares only the intention of achieving the cessation of the nuclear arms race. When it comes to specific measures, the preamble only expresses the desire to ease international tension, which, when achieved, would have the result of facilitating the cessation of the manufacture of nuclear weapons, the liquidation of all existing stockpiles and so on -- and that also as part of a comprehensive treaty on general and complete disarmament. That is hardly the fulfilment of a principle which, according to the United Nations, should form the basis on which a treaty on non-proliferation of nuclear weapons is to be constructed.

44. As the Indian delegation and others have pointed out, the threat to the security of nations is posed by the existence of nuclear weapons in the arsenals of nuclear-weapon Powers. Although the draft treaty on non-proliferation that the Indian delegation urges for acceptance by the international community will freeze that threat quantitatively at the existing level, the threat as such will still remain. The nuclear-weapon Powers of the world already have in their possession more than enough weapons to destroy all civilization as we know it. Our treaty would therefore have to deal in a much more specific manner with the threat which the nuclear weapons pose to the security of nations.

45. The ideal solution would be to envisage a specific programme of disarmament in the treaty. The Indian delegation recognizes at the same time that the nuclear-weapon Powers are not at present prepared to consider this proposition. In view of that, the Indian delegation would suggest the incorporation of a separate article in the treaty affirming the solemn resolve of the nuclear-weapon Powers to undertake meaningful measures of disarmament, particularly of nuclear disarmament. Such a provision would also need to be related specifically to the article dealing with the review conference.

46. Those are some of the preliminary comments and suggestions that the Indian delegation wished to make at this stage in the context of our negotiations. All of us have a common objective, and that objective is to eradicate the nuclear menace as soon as possible and to ensure security for all. We also believe that prevention of the proliferation of nuclear weapons, which would halt the arms race even if it did not encompass a reduction of nuclear arms, is the first step that we must take in our quest for that objective.

47. Mr. ECOBESCO (Romania)(translation from French): More than a month ago, on 24 August, two texts were officially placed before this Committee. One was presented by the delegation of the United States of America and the other by the delegation of the Union of Soviet Socialist Republics, the two comprising in fact one and the same "Draft Treaty on the Non-Proliferation of Nuclear Weapons" (ENDC/192, 193). This draft has been submitted to us for examination and negotiation.

48. In this connexion we bear in mind the statement which Mr. William C. Foster, the representative of the United States, made in his speech on 24 August:

"The draft non-proliferation treaty we are presenting today is a recommendation for discussion and negotiation in the Eighteen-Nation Committee on Disarmament and for the consideration of all governments".

(ENDC/PV.325, para. 8)

Those words have engaged the particular attention of the Romanian delegation. If our interpretation is correct -- and we hope it is -- that statement is intended to be more than a mere affirmation of adherence to the concept of negotiation. It is probably intended to indicate the importance attached to the conduct of the real negotiations in this Committee. I say real negotiations, because only thus is it possible to conceive of the work of a body upon which devolves so great a responsibility as on our Conference.

49. Submission of a text for negotiation implies an admission that it is open to amendment and improvement. Such an approach means, among other things, that there is no intention of resorting to the out-of-date method so flexibly expressed in English by the phrase "Take it or leave it".

50. As we know, the draft before the Eighteen-Nation Committee contains no provision regarding control. This is a serious gap, which means that the outlines of the picture presented to us cannot be fully visualized. It would not be possible to study and fully understand all the aspects and implications of the draft proposed to us without knowing exactly how the control is conceived, the purpose it is to serve, its volume and scope; the way in which it is to be applied, under conditions of equality, to all States; the concordance of its control measures with the basic principles of international law and, above all, with the principles of sovereignty, equality and non-interference in the internal affairs of States.

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51. The specific clauses incorporated in an international agreement constitute the consistent whole which, once examined in all its complexity, with due regard to all the links of interdependence existing between different provisions and the consequences of these, gives the real measure of the rights and obligations it entails for the parties to it.

52. That is the logical premise on which the examination of the draft treaty on non-proliferation must likewise be based. Otherwise there is a risk that one's idea of a certain provision or article may be completely altered by confrontation with a previously unknown clause. That risk is all the greater if the clause ought to have a separate place in the text.

53. At this stage of our discussions the Romanian delegation does not intend to make an exhaustive analysis of the draft treaty. A detailed study of this document requires, in our opinion, that some of the organic components of the structure which we wish to build should be elucidated beforehand. That is why our intervention today is intended to contribute to the efforts made to provide this Committee with all the elements likely to help it to understand more fully the exact sense and implications of the draft.

54. I should like first of all to recall the following passage in the statement made by the Romanian delegation on 8 August, which contains a summary of the position of my country in regard to the problem we are considering:

"... the position of Romania towards a draft treaty on the non-proliferation of nuclear weapons is expressed by the requirement that it should fulfil four principal conditions:

"The treaty must be regarded as an integral part of a system of measures designed to lead to the elimination of nuclear weapons;

"The treaty must provide equal guarantees for the security of all States, large or small, nuclear or non-nuclear;

"The treaty must not limit the use, by all, of nuclear energy for peaceful purposes; it must on the contrary ensure unlimited rights and opportunities for all States, on the basis of equality and without any discrimination, to undertake research in this field and to utilize the conquests of nuclear science for their peaceful development;

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"The treaty must establish a precise and equitable control system, based on the principle of equality among States, to which all countries must be subjected to the same extent and which opens no loop-holes for interference in the internal affairs of other States." (ENDC/PV.320, para. 35 and Corr. 1)

Those are the premises on which are based the few reflections and comments that we have deemed it appropriate to submit today for the attention of the Eighteen-Nation Committee on Disarmament.

55. One particularly important question which will have to be clarified relates to the place to be occupied by non-proliferation within the whole set of measures designed to bring about nuclear disarmament. It must never be forgotten that in the aftermath of the Second World War the international community was faced with a qualitatively new task as a result of the appearance of a qualitatively new weapon -- the atom bomb. That task -- which, with the passing of the years, has become ever more urgent -- has been and still is the elimination of the nuclear threat.

56. The arms race and, above all, the existence of huge and ever-growing stockpiles of nuclear weapons hold over human civilization threats never before known in history. It is precisely this fact -- which has brought general disarmament to the forefront -- that gives rise to the absolute priority of nuclear disarmament. This is an axiomatic truth which cannot and should not be overlooked by this Committee, which must always work with its eyes turned towards both the present and the future. That conclusion has been obvious from the outset of the activities of the United Nations.

57. In fact, the General Assembly in its very first resolution (1(I)) adopted over twenty years ago, advocated among other things the elaboration of measures for the elimination from national armaments of atomic weapons and all other weapons of mass destruction. Since then the imperative requirement to limit and ultimately eliminate the nuclear threat through the prohibition and destruction of weapons of that type has been constantly affirmed and reaffirmed by the United Nations. All measures, whether partial or of greater scope, relating to atomic weapons should be subordinated to that overriding requirement; that is perfectly logical, since the minor always follows the nature of the major term.

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58. The non-proliferation of nuclear weapons cannot be an exception to that rule. In this Committee, as well as within the United Nations itself, many delegations, including the Romanian delegation, have unremittingly emphasized, with vigour and conviction, the natural links that should exist between non-proliferation of nuclear weapons and nuclear disarmament. In 1965 that fundamental requirement received the political, legal and moral endorsement of the United Nations General Assembly. Paragraph 2 (c) of resolution 2028 (XX) states unequivocally, as we all know, that the non-proliferation treaty "should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament" (ENDC/161). Thus we have before us an extremely valuable indication by the General Assembly, the meaning of which can only be that the non-proliferation treaty should be **placed** within the much wider context of a global strategy of nuclear disarmament.

59. The effectiveness, stability and power of attraction of an agreement designed to prevent the proliferation of thermonuclear weapons depend on the degree and the extent to which it can ensure progress towards the elimination of the threat of atomic war, set up a reliable barrier to any further increase in existing stockpiles and improvement of nuclear weapons, help to end the division of the world into nuclear and non-nuclear countries, contribute to the safeguarding of international peace and to increased security for all without exception, strengthen equality among States and reinforce the authority and effectiveness of the rules of law that should govern relations between peoples and countries. In other words, non-proliferation of nuclear weapons must not only be a starting-point but must also open a sure path towards the point of arrival, nuclear disarmament.

60. In order to fulfil that requirement of primary importance, the non-proliferation treaty must form part of a series of measures designed to stop the manufacture of nuclear weapons, prohibit underground tests for military purposes, and reduce and ultimately eliminate existing stockpiles of nuclear weapons and the means of their delivery.

61. Unless non-proliferation is accompanied by such measures, it will not enable any progress to be made towards elimination of the nuclear threat. On the contrary, it will only perpetuate that threat, legalize the division of the world into

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nuclear and non-nuclear States, and enable the nuclear Powers to multiply their atomic arsenals and constantly improve the technology of nuclear weapons, with all the ensuing consequences. That is why we consider it essential that, alongside the undertaking to renounce atomic weapons assumed by the non-nuclear countries, the non-proliferation treaty should impose on the Powers possessing nuclear weapons precise legal obligations concerning the adoption of measures to prohibit and eliminate those weapons.

62. To incorporate such obligations binding the Powers possessing nuclear weapons in the operative part of the non-proliferation treaty is a necessity dictated by yet other reasons. I am thinking in particular of the exceptional scope, significance and importance of the obligations which bind the non-nuclear Powers under article II of the draft treaty.

63. Indeed, under that article the non-nuclear-weapon States assume a whole series of obligations. They undertake, first, not to receive, in any form or from any transferor whatsoever, the transfer of nuclear weapons or other nuclear explosive devices or of control over such weapons or devices; secondly, not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and lastly, not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices. Those are far-reaching and precise obligations which, under the non-proliferation treaty, all the non-nuclear countries of the world are called upon to accept -- that is to say, all the countries of the world apart from a few exceptions, namely the countries possessing nuclear weapons.

64. In these circumstances, would it not be logical for the overwhelming majority of States forming the international community to expect the nuclear Powers to start carrying out genuine measures of disarmament, and to do so through equally far-reaching and precise obligations? The Romanian delegation considers this requirement justified not only by incontestable logical reasons but also by the imperative need to strike at the very root of the nuclear threat: the existence of the most devastating weapons that man has ever produced.

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65. Moreover, the disarmament obligations to be assumed in a spirit of genuine reciprocity by the Powers possessing nuclear weapons appear as a perfectly natural consequence of the principle of the equality of States, that corner-stone of contemporary international relations and law.

66. In examining the draft treaty on non-proliferation in the light of all the considerations to which I have just referred, one cannot help asking the question: does it or does it not meet the need that it should form part of a series of measures aimed ultimately at nuclear disarmament? Does this text adequately meet the need to establish an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers, as required by General Assembly resolution 2028 (XX)? The answer becomes obvious as soon as one realizes that the draft submitted to the Committee contains no firm obligation on the Powers possessing nuclear weapons to take any effective measures of disarmament.

67. Reference has often been made here to the merits of the declaration of intention in the preamble. Without going into details and without denying the virtues of any declaration of intention whatsoever, I should nevertheless like to deal very briefly with three points.

68. First, the declaration of intention must be examined in relation to that paragraph of the preamble which provides that the cessation of the manufacture of nuclear weapons and the liquidation of existing stockpiles of such weapons and of the means of their delivery are to be carried out "pursuant to a Treaty on general and complete disarmament". (ENDC/192, 193, p.2)

69. The representative of Mexico, Mr. Castañeda, in the skilful legal analysis which he put before us a few days ago, remarked in this regard:

"We believe that the effect of this wording is to make an agreement on each of the measures listed entirely conditional upon its conclusion within the framework of a treaty on general and complete disarmament."

(ENDC/PV.331, para.20)

Does not all this mean that, until such a treaty is concluded, there will be a bar to any agreement on the cessation of the manufacture of nuclear weapons, on the reduction of existing stockpiles, and on the gradual elimination of nuclear weapons and the means of their delivery?

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70. Secondly, one cannot overlook a conspicuous legal and political lack of balance in the draft. The undertaking by the non-nuclear States not to manufacture or otherwise acquire nuclear weapons calls upon them to act in conformity with a whole series of unusually precise legal obligations. We do not question that; but for the disarmament measures which the nuclear Powers would have to take, preambular stipulations or declarations of intention are considered adequate. These are entirely different approaches, probably based upon different considerations. Obviously the results, legal, political and practical, would also be different.

71. Thirdly, it is known that within the scale of values and their legal effects, obligations always outweigh declarations of intention, however meritorious. The authority and in general, the weight of legal obligations, and the extent to which they may be resisted by the States to which they apply, should apparently also guide us on the disarmament measures which the nuclear Powers should undertake to adopt.

72. All this strengthens the conviction of the Romanian delegation that the incorporation in a non-proliferation treaty of provisions for imposing an obligation on the nuclear Powers to halt the arms race and to carry out effective disarmament measures would be likely to open the way to future agreements for this purpose. Thus the prerequisites would be established for bringing together important political, legal and psychological elements which are closely interwoven and should all contribute to the achievement of appropriate measures to ensure nuclear disarmament.

73. What is needed is a political resolve of the nuclear Powers really to set out on the path of disarmament, a legal obligation upon them to do so, and the favourable psychological climate which the force of example always brings about.

74. I should also like to take this opportunity to explain the position of the Romanian delegation in regard to another question which seems to us equally important in the context of the discussions on non-proliferation. I refer to the problem of the security safeguards to be provided for the non-nuclear-weapon States.

75. The discussions which have taken place in recent years in the Committee the General Assembly, and other international bodies have shown very conspicuously the particular importance attached to this question as one of the fundamental components of a treaty on the non-proliferation of nuclear weapons. Now that the

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negotiations on non-proliferation are at a much more advanced stage than in the past, the aspects relating to safeguards call for much closer attention from the Committee. That is a duty placed upon the Eighteen-Nation Committee on Disarmament by General Assembly resolutions 2028 (XX) and 2153 (XXI). The fact that the draft treaty submitted to us contains no provision regarding safeguards ought not, in our opinion, to prevent us from starting detailed discussions on this subject.

76. Thus we come to the question which today, as in the past, represents one of the greatest preoccupations of mankind: the raising of a real moral, political and legal barrier against the use of nuclear weapons. Romania has unfalteringly declared itself in favour of a ban on the use of nuclear weapons and all other weapons of mass destruction, and has firmly supported all movements towards that aim. Our position is based on the conviction that the banning of all weapons of mass destruction and, in the first place, of nuclear weapons would have very favourable effects on the problem of disarmament as a whole and on the entire international situation.

77. History shows that the peoples have always worked to ban weapons which from time to time have been considered particularly devastating and inhuman. The humanitarian traditions handed down from generation to generation through the centuries, and the awareness of the threat of nuclear war hanging over mankind, have been the driving force which in the post-war period has stimulated efforts to outlaw thermonuclear weapons.

78. On 24 November 1961 these efforts were crowned with their first success when the General Assembly of the United Nations adopted the Declaration on the prohibition of the use of nuclear and thermonuclear weapons (resolution 1653 (XVI)). In that Declaration the use of nuclear weapons is described as contrary to the spirit, letter and aims of the United Nations Charter and, as such, a direct violation of the Charter. The Declaration stipulates that --

"Any State using nuclear and thermo-nuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization."

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That Declaration should always guide the work of the Eighteen-Nation Committee, which has been entrusted with the preparation of measures and agreements in the field of disarmament.

79. In dealing with the question of the non-utilization of nuclear weapons in relation to the negotiation of the treaty on non-proliferation, one cannot of course be moved solely by humanitarian considerations; for at the same time profound reasons of justice and equity argue for the non-utilization of nuclear weapons against countries which do not possess them. It is a fact that countries which do not possess nuclear weapons are called upon under the non-proliferation treaty to assume the obligation never in any way to manufacture or acquire such weapons. It is, however, beyond dispute that by accepting such an obligation the non-nuclear-weapon countries have not only the right but also the obligation to keep in mind their own security.

80. That is why there is every justification for the requirement that, until all existing nuclear weapons are liquidated -- that is, until the nuclear threat is finally eliminated -- those States should be provided with increased security safeguards. This presupposes above all that the nuclear Powers will assume under the non-proliferation treaty the solemn obligation never in any circumstances to use nuclear weapons against States which do not possess them, and never to threaten such States in any case or in any way with the use of such weapons.

81. A firm undertaking by the nuclear Powers in that respect would have many positive aspects.

82. First, the non-nuclear-weapon States would be legally assured that they would not be the victims of the use or of the threat of use of nuclear weapons.

83. Secondly, the requirement of self-restraint in international relations would be strengthened by an important legal instrument. This would be tantamount to a vigorous affirmation of the supremacy of the rules and principles of law, to the detriment of the policy of force promoted by certain ~~aggressive~~ circles.

84. Thirdly, substantial evidence of the intention of the nuclear Powers to carry out measures of disarmament, and particularly nuclear disarmament, would thereby be offered to mankind.

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85. Fourthly, the effects of such an undertaking by the nuclear Powers would be reflected favourably in international relations as a whole and at the same time greatly encourage relaxation of tension and expansion of co-operation among States.

86. With those words we wish to conclude our statement today. The Romanian delegation intends at future meetings to deal with the other components of the non-proliferation treaty.

The Conference decided to issue the following communiqué:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 334th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of Mr. M. Blusztajn, representative of the People's Republic of Poland.

"Statements were made by the representatives of India and Romania.

"The next meeting of the Conference will be held on Tuesday, 3 October 1967, at 10.30 a.m."

The meeting rose at 12.10 p.m.